

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

TODO, T.

Appl. No. 10/594,962

§371 Date: 29 September 2006

For: **Method for Constructing
Recombinant Herpes Simplex Virus**

Art Unit: 1632

Examiner: HAMA, J.

Atty. Docket: 042715-5023

Confirmation No.: 6716

Customer No.: 09629

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

This communication is being submitted in response to the Final Office Action of 18 June 2009 and to the Notice of Non-Compliance of 25 November 2009. This submission is identical to the response filed on 17 November 2009, except that the status identifier of claim 1 has been corrected.

Applicants do not believe that any extensions of time are necessary to maintain the pendency of this application beyond what may be submitted herewith. If, however, any additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required, including fees for net addition of claims, are hereby authorized to be charged to Deposit Account No. 50-0310.

Amendments to the claims begin on page 2.

Remarks begin on page 6.